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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

DIGITAL LICENSING INC. (d/b/a “DEBT Box”), a Wyoming corporation; JASON R. ANDERSON, an individual; JACOB S. ANDERSON, an individual; SCHAD E. BRANNON, an individual; ROYDON B. NELSON, an individual; JAMES E. FRANKLIN, an individual; WESTERN OIL EXPLORATION COMPANY, INC., a Nevada corporation; RYAN B OWEN, an individual; IX GLOBAL, LLC, a Utah limited liability company; JOSEPH A. MARTINEZ, an individual; BENJAMIN F. DANIELS, an individual; MARK W. SCHULER, an individual; B & B INVESTMENT GROUP, LLC (d/b/a “CORE 1 CRYPTO”), a Utah limited liability company; TRAVIS A. FLAHERTY, an individual; ALTON O. PARKER, an individual; BW HOLDINGS, LLC (d/b/a the “FAIR PROJECT”), a Utah limited liability company; BRENDAN J. STANGIS, an individual; and MATTHEW D. FRITZSCHE, an individual;

Defendants.

**MATTHEW FRITZSCHE’S
OPPOSITION TO THE SEC’S
RENEWED MOTION TO DISMISS
WITHOUT PREJUDICE**

Chief Judge Robert J. Shelby

Case No. 2:23-cv-00482-RJS-DBP

Magistrate Judge Dustin B. Pead

ARCHER DRILLING, LLC, a Wyoming limited liability company; BUSINESS FUNDING SOLUTIONS, LLC, a Utah limited liability company; BLOX LENDING, LLC, a Utah limited liability company; CALMFRITZ HOLDING, LLC, a Utah limited liability company; CALMES & CO, INC., a Utah corporation; FLAHERTY ENTERPRISES, LLC, an Arizona limited liability company; IX VENTURES FZCO, a United Arab Emirates company; PURDY OIL, LLC, a Nebraska limited liability company; THE GOLD COLLECTIVE LLC, a Utah limited liability company; and UIU HOLDINGS, LLC, a Delaware limited liability company,

Relief Defendants.

Matthew Fritzsche respectfully submits this opposition to the Securities and Exchange Commission’s (“SEC”) renewed motion to dismiss this action without prejudice under Federal Rule of Civil Procedure 41 (Dkt. No. 280). Under DUCivR 7-1(a)(7), Fritzsche incorporates by reference the points by defendants Digital Licensing Inc., Jason R. Anderson, Jacob S. Anderson, Schad E. Brannon, and Roydon B. Nelson and Relief Defendants Business Funding Solutions, LLC, Blox Lending, LLC, The Gold Collective LLC, and UIU Holdings, LLC’S (the “DEBT Box Defendants”) in their “Opposition to the SEC’s Renewed Motion to Dismiss Without Prejudice” (“Opposition”) (Dkt. No. 307).

INCORPORATION OF OTHERS’ POINTS UNDER DUCivR 7-1(a)(7)

The Opposition contains accurate legal statements about contested dismissals, “legal prejudice,” and curative conditions, as well as factual statements about the SEC’s misconduct

and the procedural nature of this case. By this reference, Mr. Fritzsche incorporates these statements, as well as others that support the DEBT Box Defendants' requested relief.

Fritzsche remains particularly concerned that a dismissal of this lawsuit without prejudice would lead to the SEC's resumption of heretofore unscrutinized administrative efforts, including its pursuit of numerous improper investigative subpoenas. *See* Dkt. No. 132 (the Debt Box Defendants on pages 22-23 describing the inappropriate subpoenas); *id.* No. 159 (Fritzsche on page 4 doing likewise). Fritzsche likewise worries about the SEC's apparent plan to take testimony in deposition-like settings, albeit unrestrained by the procedural rules and limitations in place in this case that protect Fritzsche from litigant abuse.¹ *See id.* No. 280 at 2-3.

CONCLUSION

The SEC's renewed motion to dismiss should be denied in favor of a dismissal with prejudice, which is necessary to avoid legal prejudice to defendants (including Fritzsche). Alternatively, this Court should dismiss this lawsuit without prejudice but with the DEB Box Defendants' curative guideposts firmly in place.

Dated this 29th day of April 2024.

KESLER & RUST

/s/ Adam L. Grundvig

Adam L. Grundvig
Attorneys for Matthew Fritzsche

¹ Unfortunately, in this case, "litigant abuse" is not hypothetical hyperbole.

CERTIFICATE OF SERVICE

I certify that I caused to be delivered through CM/ECF filing a true and correct copy of the foregoing **MATTHEW FRITZSCHE’S OPPOSITION TO THE SEC’S RENEWED MOTION TO DISMISS WITHOUT PREJUDICE** on April 29, 2024 to all counsel of record.

/s/ Adam L. Grundvig
